



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 23, 1998

Mr. Patrick W. Christensen  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR98-2478

Dear Mr. Christensen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119009.

The City of San Antonio (the "city") received a request for the personnel file of a specific police officer. You claim that the officer's home address, telephone number, social security number, family information, and photograph are excepted from disclosure under sections 552.117 and 552.119 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of documents.<sup>1</sup>

Section 552.119(a) of the Government Code excepts from required public disclosure "a photograph that depicts a peace officer as defined by Article 2.12, Code of Criminal Procedure," with certain exceptions that do not appear relevant here. A photograph that depicts a peace officer may be released only if the peace officer gives written consent to the disclosure. Gov't Code § 552.119(b). Consequently, unless the officer has given his written consent or is no longer living, the officer's photograph must be withheld from public disclosure under section 552.119. Open Records Decision No. 536 (1989) (provision which protects police officer's photograph ceases to apply after death of officer).

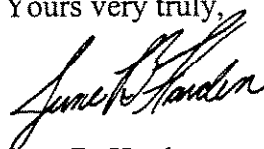
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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and, therefore, does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.117(2) of the Government Code excepts from public disclosure a peace officer's home address, home telephone number, social security number, and information indicating whether the peace officer has family members. Therefore, we agree that the information you seek to protect is excepted from disclosure under section 552.117(2)

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 119009

Enclosures: Submitted documents

cc: Mr. Thomas O. Caldwell  
322 Veda Mae  
San Antonio, Texas 78216  
(w/o enclosures)